

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:20-CR-167-M-1

UNITED STATES OF AMERICA

v.

LIAM MONTGOMERY COLLINS

SECOND MOTION TO CONTINUE  
DETENTION HEARING AND  
INCORPORATED MEMORANDUM  
OF LAW

The Defendant, through undersigned counsel, and with the consent of the Government, hereby moves this Honorable Court to continue for at least seven days the detention hearing currently scheduled for tomorrow, Wednesday, December 9, 2020, at 9:30 a.m., on the ground that the Defendant needs additional time to prepare for the detention hearing. This motion is made pursuant to the Fifth Amendment of the United States Constitution and the Bail Reform Act, 18 U.S.C. § 3142.

The Defendant respectfully submits that good cause exists to extend the detention hearing by seven days because such an extension is needed for the Defendant to prepare for the hearing. Specifically, today the Defendant, through undersigned counsel, learned of a specific concern the Government has with the third-party custodian the Defendant had planned to propose to the Court. Undersigned counsel has identified a potential alternative proposed third-party custodian, but this proposed custodian lives out-of-state and will be unable to attend tomorrow's hearing. Moreover, undersigned counsel needs additional time to vet this alternative proposed custodian

before being in a position to submit this individual to the Court as a proposed third-party custodian.<sup>1</sup>

Under § 3142(f), the detention hearing shall be either held immediately or within five days of the defendant's initial appearance, "except for good cause" justifying a longer delay. In *United States v. Al-Azzawy*, 768 F.2d 1141, 1146 (9th Cir. 1985), the court noted that good cause can be shown where additional time is "necessary for preparation" of the defendant's response to the government's motion for detention. More generally, due process requires that the defendant be heard at a meaningful time and in a meaningful manner, and adequate preparation is necessary for a meaningful hearing to occur.

The Defendant respectfully submits that a seven-day continuance is needed for the Defendant to prepare for the detention hearing and that good cause therefore exists to grant this requested continuance.

### **CONCLUSION**

For these reasons, the Defendant respectfully requests that the Court continue the detention hearing in this matter by at least seven days.

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<sup>1</sup> To be clear, the Government opposes the Defendant's release irrespective of the identity of the Defendant's proposed third-party custodian; however, the Defendant desires to propose a custodian whom the Government does not have a specific, individual objection to being the third party custodian in this case.

Respectfully submitted, this the 8th day of December, 2020.

CESHIRE PARKER SCHNEIDER, PLLC

/s/ Elliot S. Abrams

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*Retained Attorney for Defendant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date shown below, he electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel for the United States, Barbara D. Kocher.

This the 8th day of December, 2020.

/s/ Elliot S. Abrams

Elliot S. Abrams

CESHIRE PARKER SCHNEIDER, PLLC